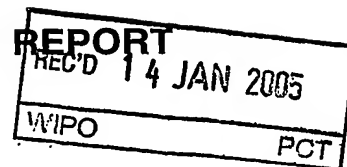


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)





Applicant's or agent's file reference 76.0790 WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/B 03/04563	International filing date (day/month/year) 16.10.2003	Priority date (day/month/year) 17.10.2002
International Patent Classification (IPC) or both national classification and IPC H04Q7/32		
Applicant AXALTO SA et.al		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 7 sheets.

- This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 14.05.2004	Date of completion of this report 13.01.2005
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Schweitzer, J-C Telephone No. +49 89 2399-8963 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/IB 03/04563**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1, 4-10 as originally filed
2, 2bis, 3 filed with telefax on 28.10.2004

Claims, Numbers

1-10 filed with telefax on 28.10.2004

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1 - 9
	No: Claims	10
Inventive step (IS)	Yes: Claims	1 - 9
	No: Claims	10
Industrial applicability (IA)	Yes: Claims	1 - 10
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB 03/04563

Concerning section V.2 (reasoned statement under Article 35(2) PCT)

Claim 1 relates to a method for managing the attribution of phone numbers in a communication device after replacement of a first portable object, especially a SIM card, by a second portable object while retaining the first (old) telephone number associated with the first SIM card.

In accordance with the method of the invention, the communication device - while still using the first (old) portable object (SIM card) comprising identification data like the IMSI number and encryption keys attached to the first phone number - sends a request containing a second phone number associated with the second (new) SIM card to an application server. After insertion of the second SIM card in the device, and following a message from the server, the identification data of the second SIM card are replaced by the first (old) identification data associated to the old phone number. In this way, the identification data associated with the new SIM card are deleted/deactivated and replaced by the old parameters attached to the old card.

Such a SIM card "refreshing" technique allowing a user to keep his old phone number after a SIM card replacement by way of a simple exchange of messages between the device/card and the server is neither taught, nor rendered obvious, alone or in combination, by the prior art documents acknowledged in the description or cited in the International search report.

The nearest prior art is represented by the cited reference **D1: WO-A-02/13564 (Deutsche Telekom Mobil)** which describes the provision of a "SIM card migration server" permitting to activate a new SIM card by transferring subscriber's information contained in an old card. In contrast to the invention, the known technique merely allows personal user information, like a phone directory, to be transferred between SIM cards. Said document **D1**, however, gives no hint at the replacement in the new card of identification parameters by identification parameters attached to the old telephone number and the old card.

Claim 1 is therefore novel and considered to involve the required inventive step, Articles 33(2) and (3) PCT. The subject-matter of claim 1 is also industrially applicable.

The same applies to independent **claim 8** relating to the corresponding application server allowing the card "refreshing" operation of claim 1 and to independent **claim 9** relating to the corresponding SIM card (portable object) wherein identification data can be replaced in accordance with the method defined in claim 1..

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB 03/04563

Dependent ~~claims 2 to 7~~ relate to further implementing details of the method defined by claim 1 to which they refer and are thus equally novel, inventive and industrially applicable.

Newly filed independent **claim 10** defines a communication device. Apart the fact that claim 10 defines that, in an usual manner, the device is coupled to a portable object (SIM card) comprising first identification data identifying a first phone number, said claim merely states that the claimed device is arranged to send a message to an application server, said message containing identification data identifying a second phone number assigned to a second portable object .

Considering that the present invention, as set out in claims 1 to 9, lies actually in the interaction between the application server and the first and second SIM cards rather than in the communications device itself, and that claim 10, as presently worded, defines nothing more than a mobile phone capable of sending a message containing some specific data associated to an other SIM card, claim 10, in its present, broad formulation could entirely be read onto any conventional mobile phone, which is obviously capable (and thus "arranged to") to send a message to a server, e.g. a SMS message, containing any possible information/data, like a phone number associated to another SIM card.

Thus, independently of the disclosure of any prior art references, it appears that claim 10 do not contain any feature which confers on this claim novelty and inventive step vis-a-vis the generally known prior art.

For completeness, reference is however also made to the above-mentioned citation **D1** wherein the mobile phone sends a message called "Quitting Erhalt SIM" to an application (migration) server, see at page 4, second paragraph. Thus, claim 10 lacks novelty and inventive step over the teachings of **D1**.